

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

PETROLEUM SALES, INC.,

No. C 05-3526 SBA (MEJ)

Plaintiff(s),

vs.

**ORDER RE: PROTECTIVE ORDER  
AND PENDING DISCOVERY  
DISPUTES**

VALERO REFINING COMPANY -  
CALIFORNIA, et al.

Defendant(s).

The Court is in receipt of the parties' joint discovery dispute letters, filed April 27, 2006. Docs. #36-39. The first issue the Court shall address is defendants' request for a protective order. Defendants argue that a protective order is necessary in this action because certain documents contain confidentiality provisions, as well as confidential information concerning its strategies and business decisions. Defendants seek entry of a protective order virtually identical to the protective order in another pending case brought by PSI in Superior Court (*Ishaq Trading Corp., et al. v. Valero Refining Company - California*, San Francisco Superior Court, No. CGC-04-428755).

In response, PSI argues that defendants have not shown that the documents are confidential, nor that their disclosure would cause cognizable harm. PSI further argues that it should not be bound by terms of a protective order entered in another action because it did not stipulate to the terms of that order. Moreover, PSI opposes the form of the protective order because it would preclude its counsel from disclosing certain documents or information to its president and owner.

Upon review of the parties' arguments, the Court finds a protective order appropriate in this

1 case. Accordingly, within one week from the date of this Order, the parties shall e-file a stipulated  
2 protective order that includes the "attorneys eyes only" provision. The parties shall include the  
3 requirements of Civil Local Rule 79-5 in their proposed protective order. The Court also recognizes  
4 PSI's counsel's desire to consult with PSI's president and owner and, although the protective order  
5 need not include a provision allowing the owner access to the documents, PSI shall be permitted to  
6 seek access for certain documents after production. Thus, after production under the protective  
7 order, if PSI's counsel deems it necessary to consult with the owner regarding any confidential  
8 documents, the parties shall meet and confer to determine whether they can reach an agreement on  
9 this issue. If not, the parties shall file a joint letter addressing the specific documents for which PSI  
10 would like to obtain access for its owner.

11 Within 30 days of the Court's entry of the protective order, the parties shall serve their  
12 responses. If either party requires more time to complete production and the opposing party is  
13 unwilling to stipulate to allow more time, the parties shall file a joint letter. As to the remaining  
14 disputes, the Court finds it premature to address them as many disputes can be resolved after entry  
15 of a protective order. Accordingly, if any disputes remain after production under the protective  
16 order, the parties shall bring those disputes to the Court's attention at that time.

17 **IT IS SO ORDERED.**

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19 Dated: May 3, 2006

  
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20 MARIA ELENA JAMES  
21 United States Magistrate Judge  
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